THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20334 OF 2007

DATED:24-09-2007

Between:

N.Raja Reddy and 27 others

… Petitioners

And :

The Government of A.P., rep. By its Prl.Secretary, Municipal Administration and Urban Development, Hyderabad and four others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20334 OF 2007

ORAL ORDER

The 5th petitioner is a resident of Flat No.F2, 1st Floor, Sri Laxmi Narayana Vihar, Vijayanagar Palace Layout, Visakhapatnam. The building complex in which the 5th petitioner is resident consists of about 20 apartments, claimed to have been constructed in accordance with the approved building permission granted by the 2nd respondent-Corporation. According to the petitioner, permission was granted for construction of a stilt + ground + four floors by proceedings dated.16-05-2006 of the 2nd respondent in favour of the then owner of the premises Smt.Kallepalli Narasamamba. Residential flats complex was constructed and the 5th petitioner purchased one such plot.

While so it is alleged, on 18-09-2007 the Town Planning Assistant by name Venkata Subbaiah came with four subordinates threatening demolition of the deviant portions of the construction. The 5th petitioner alleges that no notice for demolition was issued either under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955 (as is applicable to the 2nd t respondent-Corporation).

The other 27 petitioners plead that they have also acquired plots at various places in and around Visakhapatnam city from several different builders in buildings which have been constructed as per the plans approved by the 2nd respondent-Corporation and that the constructions of these plots are at various stages of completition. Sale

deeds are stated to have been executed by the respective builders in favour of the petitioners. It is also alleged that on 18-09-2007 itself the same Town Planning Assistant under orders of one G.V.Raghu, City Planner entered the building premises where the several petitioners have purchased plots and has threatened demolition without any formal orders passed in that regard.

The learned Standing Counsel for the 2nd respondent Sri N.Ranga Reddy submits that the respondents cannot and will not pursue demolition without following the due process of law namely under Sec. 452 or 636 of the Hyderabad Municipal Corporation Act, 1955. It is however submitted that the respondents are statutorily obligated to restrain any person from making deviant constructions and contrary to the sanctioned plan.

In the circumstances, in the light of the allegations in the writ petition and the averments on behalf of the 2nd respondent, the writ petition is disposed of at the stage of admission directing the respondents not to resort to demolition in the petitioners' premises without following the due procedure and issuance of notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955. However, if there be any deviations in the constructions the 2nd respondent shall forthwith inspect the premises and stop further construction. For demolition however, the respondents shall follow the procedure indicated above.

In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

24th SEPTEMBER 2007

Note:

Issue CC

As soon as

Possible

(B/O)

***TSNR**